

TOWN OF WATERTOWN, MASSACHUSETTS
RULES OF THE TOWN COUNCIL

REVISED ON MARCH 27, 2007

ORGANIZATION

Rule 1. **1.1** The Town Council shall meet for the purpose of organization on the first secular day of January following the municipal election and the members shall severally, before the Town Clerk, take their respective oaths of office to perform faithfully the duties of such office, provided that any member-elect who shall not be present at such organizational meeting shall take said oath at the first regular or special meeting of the Town Council which such Councilor-elect shall attend.

1.2 The Town Council shall, by majority vote of all members elected, elect a Vice President and such other officers as it shall from time-to-time deem appropriate.

1.3 Seating of the Council At the organizational meeting or at its first regular meeting thereafter, the order of seating of the members shall be determined by drawing of lots, provided however that the President of the Council shall occupy the center seat and the Vice President of the Council shall occupy the seat to the immediate right of the President. Members shall draw for such purpose in order of seniority of service, provided however, that in the event that two or more members shall have similar seniority in service, then the member who shall be senior in both service and age shall have precedence.

MEETINGS OF THE COUNCIL

Rule 2. **2.1** Regular meetings of the Town Council shall be held in the Richard E. Mastrangelo Chamber of the Watertown Administration Building or, if agreed upon by a majority of the members, at any other suitable location within the Town of Watertown, at 7:15 o'clock in the evening of the second and fourth Tuesday of each month, provided however, that the members may, by two-thirds vote, agree to hold any regular meeting on such other date as may be convenient.

2.2 The Town Council shall be required to meet only once during the months of July, August and December, said meeting to be held on the second Tuesday of said months, and may meet a second time upon prior approval by vote of the members.

2.3 In the event any holiday or primary or general election shall fall on the regular meeting date, the Town Council shall meet on the business day next following.

2.4 No board, commission or committee of the Town shall meet concurrently with the time of any regular or special meeting of the Town Council, provided however that this rule may be waived by the Council President, and provided further that a copy of any waiver granted under this rule shall be filed with the Town Clerk.

2.5 No agenda item at a regular meeting of the Town Council, except Executive Session and Public Forum, may be brought forward for consideration after 10:30 PM. A regular meeting of the Town Council shall adjourn after action is taken on the agenda item being considered at 10:30 PM. An adjourned meeting of the Council shall not and may not be reconvened.

2.6 Special Meetings Special meetings of the Town Council shall be held at the call of the President of the Town Council, or at the call of any three or more members, such call to be by written notice delivered in hand or to the place of residence of each member, provided however, that any such notice shall contain a listing of the specific matters to be acted upon. Except in the case of emergency, of which the President of the Council shall be sole judge of the time set for such meeting and a copy of any such notice shall be delivered not less than forty-eight (48) hours in advance of the time set for such meeting and a copy of any such notice to the members shall forthwith, be posted upon the Town bulletin board.

2.7 All special meetings of the Town Council shall be held in the Richard E. Mastrangelo Chamber unless an emergency, of which the President of the Council shall be sole judge, shall require such meeting to be held elsewhere, in which case the nature of the emergency and the location of such special meeting shall be clearly stated in the notice required by these rules.

2.8 Meeting with the Town Manager The Town Manager shall be expected to attend all regular or special meetings of the Town Council, unless otherwise specified by a vote of the members.

2.9 Executive Session Except as otherwise authorized or provided by General Law, all sessions of the Town Council and every committee or subcommittee thereof, shall be open to the public and the media. Executive sessions shall be convened as allowed under Massachusetts General Law. At the discretion of the Council President, an executive session may be held prior to a regularly scheduled Council meeting. All matters discussed in an executive session shall remain confidential until a vote is taken by the Council to release the minutes of the meeting or report publicly said discussions.

2.10 Quorum The presence of five (5) members shall constitute a quorum for the transaction of business. Except as provided by General Law, the Town Charter or these rules, the affirmative approval of not fewer than five (5) members shall be required to adopt any ordinance or appropriation order.

2.11 Minutes The minutes of regular and special meetings of the Town Council shall consist of the proceedings of the Council's order of business, including motions and second, votes, and questions of order along with the decisions thereon; said minutes shall list those members of the Council or of the public speaking on a given issue and shall provide only in summary form the major points raised by speakers as well as other materials listed in 7.7, paragraph 6.

PRESIDING OFFICER

Rule 3. **3.1** The President of the Town Council, if present, shall preside at all meetings. In the absence of the President, the Vice President shall preside, and, in the absence of both the President and the Vice President, a temporary chair shall preside who shall be the senior member in length of service, provided however, that in the event that two or more members shall have similar seniority in service, then the member who shall be senior in both service and age shall have precedence and serve during the absence of both the President and the Vice President.

3.2 Duties of the Presiding Officer The presiding officer shall preserve the decorum and order and may speak to questions of order in preference to other members; shall decide all questions of order, subject to an appeal of the entire Town Council, which appeal shall be seconded; and no other business shall be in order until the question on the appeal from the ruling of the chair shall be decided by the members by a call of the roll and the ruling of the chair shall stand unless a majority of members shall vote to the contrary. The chair shall be permitted to vote on any question of appeal.

3.3 The presiding officer shall declare all votes or other action of the members and, if the result shall be in doubt, may call for a standing vote. Such declarations by the presiding officer shall stand unless reversed by a call of the roll.

VOTING

Rule 4. **4.1** All final votes of the Town Council on matters involving appropriations, expenditures, transfers of monies and/or bonding, shall be taken by a call of the roll and the result of such call of the roll shall be entered upon the records. Additionally, the roll shall be called upon any other pending matter at the request of any member. In the calling of the roll, the order in which the names of the members are called shall be rotated following each such call of the roll.

4.2 When a question is put by the presiding officer, every member shall be entitled to vote yes, no, or present.

4.3 Members shall not participate in the consideration of, nor vote on, any question, nor serve on any committee or sub-committee, in which his or her private interest shall be immediately concerned distinct from that of the Town or the public.

4.4 Prior to the announcement of the result of a call of the roll by the presiding officer, any member may ask to have his or her name called again for the purpose of confirming his or her vote or being recorded differently.

4.5 When a single member invokes the Charter Privilege (Charter Section 2-9(b), any vote on the measure then before the Council shall be postponed until the next meeting of the Council. However, debate and public comment on the measure may continue in accordance with these Rules.

DEBATE

Rule 5. **5.1** Every member, when about to speak, shall respectfully address the presiding officer and await recognition. Once recognized, such member shall avoid personalities and confine himself or herself to the question under debate.

5.2 No member shall speak more than twice to the same question without leave of the presiding officer, nor more than once until all other members desiring to do so shall have spoken. No member shall have or hold the floor for more than ten (10) consecutive minutes of debate, unless such time shall be extended by the affirmative vote of two-thirds (2/3) of the members.

5.3 Petitioners and members of the public, if recognized by the presiding officer, shall be permitted to make public comment in accordance with Rule 15.

5.4 Once stated or read by the presiding officer, a matter shall be deemed to be in the possession of the Town Council and shall be disposed of by vote or other appropriate action, provided however, that the mover may withdraw the motion or other matter at any time prior to amendment or other action by the members.

PRECEDENCE OF MOTIONS

Rule 6. **6.1** During consideration of any matter properly before the members, the presiding officer shall receive no motion except those listed herein, which motions shall have precedence in the order listed:

- To adjourn
- To recess
- To lay on the table
- For the previous question
- To limit or extend the limits of debate
- To postpone to a date and/or time certain
- To refer
- To amend

To postpone indefinitely

6.2 Previous Question The previous question shall be put in the following manner: “Shall the question before the Council now be put?” and all further debate, amendment or other action on such question shall be suspended until the previous question shall have been determined. Not more than fifteen (15) minutes of debate shall be permitted on the previous question, which debate shall be limited to reasons why the question should or should not be put, during which debate no member shall hold the floor for more than two (2) minutes.

6.3 Reconsideration Following a vote of the Town Council it shall be in order for any member who shall have voted with the prevailing side to move reconsideration thereof at the same meeting at which said vote was taken, or to file with the Clerk of the Council not later than twelve o’clock noon on the next business day following such meeting, a written motion for reconsideration. Following receipt of such a written motion for reconsideration, the Clerk of the Council shall place said motion on the calendar for the next regular or special meeting of the Town Council, and cause the same to be included in the call thereof, and the Clerk of the Council shall also notify each member in writing of the filing of any such written motion for reconsideration. If any matter shall have been decided by a tie vote, the prevailing side shall be considered to be that side in whose favor the question was decided. Not more than one motion for reconsideration shall be entertained for any one vote, and no vote upon any motion to adjourn, to lay upon the table, to take from the table or the previous question shall be subject to reconsideration.

CLERK OF THE COUNCIL

Rule 7. **7.1** The Clerk of the Council shall attend and keep records for all regular and special meetings of the Town Council, shall record the names of member present, and shall have the care and custody of all records, documents, maps, plans, papers and other records and materials pertaining to the business of the Town Council. Councilors seeking to review audio or video tapes of Council meetings that are in the possession of the Council Clerk, can borrow such tapes for up to 72 hours by completing a sign out form.

7.2 Filing of Papers Matters to be placed on the agenda for the Town Council, including but not limited to reports and communications from the Town Manager and other town officials, boards, departments and commissions, and any order, resolution or other matter of business to be presented to the members for action at a regular meeting of the Town Council shall be submitted to the Clerk of the Council not later than 5:00 o’clock in the afternoon on the Thursday preceding the regular meeting at which such matter is to be considered by the Town Council. With concurrence of the Council President, an item may be added to the Council agenda up to 12:00 Noon Friday.

Items for placement on the agenda of upcoming Council meetings, shall, in the absence of the Clerk of the Council, be deposited with the office of the Town Clerk. Said office shall record the date and time of receipt of such items and shall forward them to the Clerk of the Council during his/her next scheduled working hours.

7.3 Proclamations to be issued by the Town Council shall be submitted to the members as part of the agenda items delivered prior to each meeting and be put on the agenda as part of the regular meeting. In instances where time does not permit this procedure to be followed, any councilor may issue such proclamation, with permission of the Council President and notification to the Clerk of the Council. Any proclamations issued in this manner shall be subject to ratification by the Town Council at its next regular meeting, at which time the proclamation shall be recorded in the minutes of the meeting.

7.4 After 5:00 PM on Thursday preceding a regular meeting, the Clerk of the Council shall provide the Council President with all matters submitted in a timely manner for inclusion on the agenda of the Town Council. Items submitted by members shall be placed on the agenda, unless the Council President removes an item and informs the sponsoring member why such action was taken. In the instance that an item is removed from the agenda by the Council President, said item shall be placed on the agenda of the subsequent meeting, at the request of the sponsoring member.

7.5 Listing of Matters The agenda for each regular meeting of the Town Council, together with copies of matters to be considered shall be delivered by the Clerk of the Council to the members not later than 5:00 o'clock in the afternoon on the Friday preceding such regular meeting.

7.6 Hearing Authorization The Clerk of the Council is authorized and directed by these rules to order and publish notice of hearings on petitions presented which require such public hearing by the Town Council.

7.7 Preparation of Draft Minutes of Council Meetings. The Clerk of the Council shall prepare the draft minutes of each regular Town Council meeting and shall provide a copy thereof to each member no later than 5:00 PM on the Friday following the meeting, or by 5:00 PM on the third business day following a special meeting. If necessary, exceptions to this timetable may be made by the Council President.

1. The draft minutes shall include a copy of the Clerk of the Council's summary of the meeting, including motions and seconds, votes, and major points raised by Council members and members of the public, as outlined in Rule 2.11, and a list of other items described in Rule 7.7, paragraph 6, as part of the final minutes.

2. Members shall provide all submissions in typed form. However, the report of any Committee, including any separate statement of any Committee member, from a meeting conducted on the same day as the Town Council meeting may be submitted in

hand-written form. The Council Clerk shall reproduce any hand-written Committee report or statement in type written form for inclusion in the official records of the Town Council.

3. Members may propose corrections of factual errors/or additional comments. Corrections of factual errors shall identify the specific information in the draft minutes that is in error and, if approved by the Council, shall result in a change in the body of the minutes. Additional comments shall elaborate upon remarks and comments made by the member at the Council meeting and, if approved by the Council, shall be appended to the final minutes. Additional comments shall be limited to one typed page. Corrections or additions shall be delivered to the Clerk of the Council in typed form no later than 5:00 PM of the Thursday preceding the next regular Council meeting. In the case of a special meeting, such submission deadline shall be at noon on the fifth business day following the day of delivery of the draft minutes. The Clerk of the Council shall include in the members' packets for the next regular Council meeting a copy of the original draft minutes together with a copy of every correction or addition submitted by a member, including the identification of the member who submitted it. In voting on the acceptance of the minutes at the following Town Council meeting, the Town Council may take a single vote on the draft minutes including corrections and additions, unless any single member requests separate votes.

4. In the event that a member submits a written request for a correction or addition after the distribution of the members' packets on the Friday prior to a regular Town Council meeting, the minutes in question shall be automatically laid on the Table at the Town Council meeting, and not taken up until the next subsequent Council meeting so as to allow members the opportunity to consider fully such corrections or additions prior to the vote for the acceptance of the minutes.

5. If a motion is made to table the draft minutes for the purpose of amending or modifying the minutes, and this motion is approved by the Town Council, the councilor who made this motion shall provide to the council clerk such amendments/modifications in writing within 5 business days of the action to table the minutes. All amendments/modifications will be provided to the Clerk of the Council and included in materials forwarded to councilors for the next meeting of the Town Council.

6. Any correction or addition to the draft minutes must be approved by a majority vote of the Town Council.

7. Upon acceptance of the draft minutes by a vote of the Town Council, the Clerk of the Council shall revise the draft minutes to incorporate corrections and append additions accepted by the Town Council, and shall file the final minutes with the Town Clerk within one week of the Town Council's vote of acceptance. The final minutes shall include the following summary of items:

- a. a copy of the Clerk of the Council's summary of the meeting, including motions and seconds, votes, and major points raised by Council members and members of the public;
- b. a copy of all Committee reports presented during the meeting;
- c. a copy of any statement presented by a member during the meeting, and delivered to the Clerk of the Council in written form prior to the end of the meeting;
- d. a copy of the tally sheet for each roll call vote of the Council indicating the vote of each member;
- e. a copy of any other written document submitted during the meeting by any person.

ORDER OF BUSINESS

Rule 8. **8.1** The Order of Business for regular meetings of the Town Council, which order shall not be departed from except by the affirmative vote of a majority of the members present, shall be as follows:

Call of the Roll
 Pledge of Allegiance
 Examination of records of previous meetings
 Public Forum
 Presentations of petitions, proclamations, and similar papers and matters
 Hearings
 Communications and Reports from Town Officers and Employees
 Reports of Committees
 Consideration of nomination for appointments
 Motions for reconsideration
 Motions, orders and resolutions
 Unfinished business from prior meetings
 President's Report
 Communications from the Town Manager
 Requests for Information/Review of List of Pending Matters
 Announcements
 Public Forum
 Recess or adjournment

Announcements in the Order of Business refers to statements in which members inform the public and other members of upcoming or past civic events in the community.

8.2 The posted notice of the Agenda for the Town Council shall state this order of business.

8.3 All matters and items of business appearing on the agenda of the Town Council shall be taken up in the order in which they appear on said agenda, shall be subject to full and open debate, and shall be disposed of by vote or other action of the Town Council prior to consideration of any other item of business.

8.4 Referral to Committee No matter or item of business shall be referred to committee except for one or more of the following purposes:

- For study and report to a subsequent meeting
- For the purpose of drafting an ordinance or resolution
- In the event that open discussion may prove detrimental and/or damaging to the reputation of a person or persons; or
- On the affirmative vote of two-thirds (2/3) of the members

8.5 Appointments Action by the Town Council regarding appointments by the Town Manager or other persons, which appointments shall require confirmation by the Town Council, shall be received and then tabled forthwith until the regular meeting next succeeding the meeting at which such nomination was received, and the matter of the appointment shall be referred to the appropriate committee or subcommittee for hearing, review and recommendation.

8.6 Each committee and subcommittee shall report monthly to the Town Council on matters currently before it.

8.7 Finance Matters Any finance paper, including but not limited to matters involving appropriation, expenditure, transfer of funds and/or bonding, when appearing on the Town Council agenda for the first time, shall be laid upon the table for one week if such action shall be requested by any one or more members.

8.8 Endorsement No order or resolution shall be received or acted upon unless endorsed by a member of the Town Council.

8.9 Fiscal Note Every order, resolution, proposal or other matter appearing on the Town Council agenda for action other than referral to committee or subcommittee, shall be accompanied by a fiscal note which shall estimate the approximate amount of cost involved, provided that it shall be feasible or otherwise possible to determine such costs prior to such matter being placed on said agenda.

8.10 Petitions Once Rejected A petition or other matter which shall have been rejected by the members shall not be presented to the Town Council for consideration in the same form or in a petition or other matter embodying substantially the same subject matter until the expiration of six months following said rejection, unless reintroduced shall have received prior approval in writing by not less than two-thirds (2/3) of the entire Town Council.

8.11 Processing of Papers Each paper, of whatever type, which shall be referred by the Town Council for administrative action shall be processed as follows:

1. The Clerk of the Council shall send a copy of the original paper to the person to whom it shall have been referred by the Town Council.

2. The person receiving such referral shall furnish a written reply to the Town Council regarding final disposition of the subject matter thereof. Such reply shall be made within ten business days from the date of referral by the Town Council and a copy thereof shall be provided by the Clerk of the Council to any member requesting such copy.

3. In the event that final disposition cannot be effected within ten business days, the person receiving such referral shall notify the Council, which notification shall indicate the earliest date on which final disposition of the subject matter will occur. Any notice given under this rule shall be submitted to the Clerk of the Council not more than seven business days following referral by the Town Council.

4. Should any member wish notification regarding a matter, other than such notification as provided for in Rule 8.11 (2) and (3), above, he or she shall request that such matter be placed on the list of pending matters at such time as the matter shall be referred by the Town Council.

5. The Clerk of the Council shall establish a procedure for the posting of matters placed on the list of pending matters, and responses and replies received from parties to which such matters shall have been referred, and shall furnish monthly to each member a complete statement showing the status of each referral thereon. Each member shall from time to time advise the Clerk of the Council which matters placed on the list of pending matters by that member which may be removed from said list.

6. The Clerk of the Council shall provide, monthly, a new list of pending matters, which list shall contain all items removed from the immediate prior month's list.

ENACTING STYLE

Rule 9. **9.1** All by-laws enacted by the Town Council shall be entitled ordinances and the enacting style shall be: "Be It Ordained by the Town Council of the City known as the Town of Watertown". In all actions by which the Town Council expresses its opinions by order or command, the enacting style shall be "Be It ordered", and in all actions by which the Town Council shall find facts or express its opinions, principles, or purposes, the enacting style shall be: "Resolved"

9.2 All proclamations, ordinances, orders and resolutions approved by the Town Council shall not have a reference to “sponsored by” or similar language identifying the councilor who brought this matter forward.

9.3 All ordinances, orders, resolutions, and proclamations approved by the Town Council, and other matters in the discretion of the Council, shall be signed by the Council President and the Clerk of the Council. Except for proclamations, they shall also be signed after each meeting by an additional individual councilor (other than the Council President) on a rotating basis according to seniority. Proclamations may be signed by the sponsoring councilor. If no documents requiring signature are approved at a meeting, the councilor with signature responsibility at that meeting continues in that role until such time as a meeting requires his or her signature. If a councilor misses his or her turn in the rotation due to absence or other reason, the signature responsibility rotates to the next councilor.

ORDINANCES

Rule 10. **10.1** Upon introduction, every proposed ordinance shall receive its first reading and shall then be referred for hearing and consideration by the Committee on Rules and Ordinance, which may subsequently refer it to such committee or subcommittee of the Town Council as shall be appropriate for such recommendation such subcommittee may wish to make prior to action thereon by the Committee on Rules and Ordinances; provided that, a proposed ordinance may, by a vote of the full Council, be referred directly to said appropriate committee or subcommittee.

10.2 Except in the instance of a special emergency involving the health and safety of the people or their property, no ordinance, loan order, borrowing or bond authorization shall be passed finally on the date of its first introduction. Any such emergency shall first be defined and declared in a preamble to the vote of the Town Council, said preamble to be adopted upon a separate call of the roll and receive the affirmative votes of not less than two-thirds (2/3) of all the members. When a proposed ordinance is reported out of a committee, it is subject to debate and amendment by the Town Council. The proposed ordinance is then published in the paper as required by Section 2-9 of the Town Charter prior to a public hearing.

10.3 Every ordinance, other order involving a bond issue or other action pledging the credit of the Town shall, before final action and passage by the Town Council, shall be referred to the Town Attorney, who shall forthwith examine same and advise the members regarding legality and notify the Town Council of his/her findings in writing.

COMMITTEES

Rule 11. **11.1** As soon as practicable following the organization of the Town Council, the President shall appoint members of the following standing committees:

Committee on Rules and Ordinances: To consist of three members of the Council, to consider the advisability and merit of proposed new ordinances or amendments to current ordinances referred to it, including the form and legality thereof; and all legal matters together with the Town Attorney.

Committee of the Whole: To consist of all members of the Council with the President as Chair, to deal with all matters referred to it by the Council.

Committee on Budget and Fiscal Oversight: To consist of three members of the Council, to consider matters pertaining to the Town Budget and any other fiscal matters referred to it by the Council.

The Committee on Budget and Fiscal Oversight may, in consultation with the President, seek out qualified members of the public to advise the Committee on matters brought before it.

Committee on Education and School System Matters: To consist of three members of the Council, to consider matters involving the School Department and education generally.

Committee on Economic Development and Planning: To consist of three members of the Council, to consider matters pertaining to planning, redevelopment, zoning or housing.

Committee on Human Services: To consist of three members of the Council, to consider matters pertaining to the Council on Aging, Social Service programs, Veterans Services, Recreation, Public Health, and Libraries.

Committee on Personnel and Town Organization: To consist of three members of the Council, to consider matters involving Town personnel, including Civil

Service, Town Hall budgetary matters, and proposals for organization or reorganization of the Town's departments and agencies.

Committee on Public Safety: To consist of three members of the Council, to consider matters pertaining to the Police, Fire and Civil Defense departments of the Town.

Committee on Public Works: To consist of three members of the Council, to consider matters pertaining to the Department of Public Works, the Conservation Commission, Skating Arena and Engineering.

Committee on State, Federal and Regional Government: To consist of three members of the Council, to consider matters involving the Election Commission and Town Clerk and to serve as a liaison between the Town and Federal Government and the Commonwealth of Massachusetts and its authorities, regional bodies, and political subdivisions.

11.2 The Town Council may from time to time establish other special or standing committees as it shall deem necessary or appropriate, which special or standing committees shall be appointed by the President as soon as practicable following the establishment thereof.

11.3 The first named member of each committee shall be its chair, the second, its vice chair, and the third, its clerk.

11.4 Each committee shall cause records to be kept of its proceedings and all reports or other papers submitted to the Town Council shall be typewritten, printed, or prepared on a word processor.

11.5 Reports of committees shall not be received or considered by the Town Council unless such report shall have been agreed to by the committee in session.

COMMUNICATIONS TO THE COUNCIL

Rule 12. **12.1** The Clerk of the Council shall provide each member with a copy of all communications addressed to the Town Council as a body or to the President or Clerk on matters of interest to the entire Town Council which would not in the course of regular business of the Town Council be referred thereto for appropriate action, provided however, that if any such communication shall exceed three (3) pages in length, the Clerk may instead send a notice to each member advising that said communications are available for inspection in the anteroom to the Richard E. Mastrangelo Chamber.

ADMISSION WITHIN THE RAIL

Rule 13. **13.1** No person shall be admitted within the rail in the Richard E. Mastrangelo Chamber or in the member's anterooms connected therewith, except upon permission of the President or other presiding officer.

13.2 The Clerk of the Council shall note in the official minutes of all regular and special meetings of the Town Council the names of all Town officials, government representatives, department heads, representatives of the news media, and invited guests seated within the rail of the Council Chamber.

13.3 No member of the Town Council shall take the podium without the permission of the Council President or other presiding officer.

RECORDING OF MEETINGS

Rule 14. **14.1** The Clerk of the Council shall cause all regular and special meetings of the Town Council to be recorded on audio tape and shall keep a record of all such recordings as a permanent record of the proceedings of the Town Council. The Clerk of the Council may also arrange for said meetings to be recorded on videotape, in which instance, such videotape shall also be kept by said Clerk as a permanent record of said proceedings.

14.2 Except as otherwise authorized by General Law, any member or member of the public shall be permitted to make a voice recording of any regular or special meeting of the Town Council, provided however, that such member or member of the public, shall have given written notice of his/her intent to make such a audio recording to the President prior to that start of any such meeting to be so recorded.

PUBLIC PARTICIPATION

Rule 15. **15.1** The first Public Forum on the Order of Business shall be limited to public comment on items that are not on the posted agenda for the meeting.

15.2 Any petitioner or member of the public wishing to speak at the first Public Forum must place his or her name on a list that the Clerk of the Council will make available at the meeting location at least fifteen (15) minutes prior to the scheduled start of the meeting. The Chair will recognize speakers at the first Public Forum in the order in which their names appear on the list.

15.3 Any petitioner or member of the public desiring to address the Council other than at Public Forum shall limit his or her remarks to the agenda item then before the Council.

15.4 Any petitioner or member of the public desiring to address the Council shall first be recognized by the Chair, rise and state his or her name and address for the record in an audible tone before making any remarks or asking any questions, and shall limit his or her remarks to matters of Town business. All remarks

shall be addressed to the Chair and through the Chair, and shall not be addressed to any individual member, town official, department head or employee. No person having the floor shall enter into discussion either directly or through a member without the permission of the Chair.

15.5 Any petitioner or member of the public recognized to speak under this rule shall be recognized to speak once on a particular matter and for not more than two (2) minutes, unless such time is extended by the Chair or by the affirmative vote of two-thirds (2/3) of the members.

SMOKING PROHIBITED

Rule 16. **16.1** Smoking shall be prohibited within the Richard E. Mastrangelo Chamber and the anterooms thereto, which rule shall not be suspended even upon unanimous vote of the members.

PARLIAMENTARY AUTHORITY

Rule 17. **17.1** In all matters of parliamentary procedure not provided for in General Law, the Town Charter, Town by-laws or ordinances, or these rules, the Town Council shall be governed by “Robert’s Rules of Order, Newly Revised”.

AMENDMENT OR SUSPENSION OR RULES

Rule 18. **18.1** In so far as these rules are not statutory in source or origin, the same may be amended, suspended or repealed at any meeting by two-thirds (2/3) vote of all the members, provided however, that Rule 16 shall not be subject to such suspension. In the event that action taken by the Town Council shall be inconsistent with these rules, such action shall be deemed to have been taken in suspension thereof, provided however, that the members concur in such action.

DISPUTE RESOLUTION PROCESS

Rule 19. **19.1** This Dispute Resolution Process is intended to provide a framework to resolve disputes pertaining to work-related matters and the professional manner in which Councilors and employees of the Town Council interact. Disputes may arise from a variety of issues. This process may be used to resolve disputes arising between Council employees as well as between Council employees and Councilors. This process is not intended for use in resolving disputes between Councilors. This process does not replace any rights that Town Councilors or Council employees have under any applicable Federal or State Laws.

It is hoped that most disputes will be resolved fairly and amicably among the parties without having to utilize this formal process. It is further hoped that matters not resolved informally between the parties can be resolved working with the Council President.

The process consists of three steps as follows:

Step 1: Council President

To initiate the Dispute Resolution Process the employee(s) or Councilor(s) shall file a written complaint with the Council President outlining the matter under dispute. After receiving a complaint, the Council President must meet with both parties to the dispute within fifteen (15) days (or by the date of the next regularly scheduled full Town Council meeting, which ever is later) to attempt to resolve the matter. After meeting with the parties, the Council President must make a decision on the matter within seven (7) days. If either party disagrees with the Council President's decision, they may appeal the decision in writing within seven (7) days. If the decision is not appealed within seven (7) days, the decision is considered final.

Appeals involving the Town Council employees, except the Town Manager, must be made in writing to the Chair of the Personnel and Town Organization Committee for an appeal hearing at Step 2. Appeals involving the Town Manager must be made in writing to the Council President for an appeal hearing at Step 3.

The Dispute Resolution Process begins at Step 1 except in the following instances:

- (a) In the event that the Council President is a part to the dispute, the Town Council employee(s), except the Town Manager, must file their written complaint with the Chair of Personnel and Town Organization Committee and proceed directly to Step 2.
- (b) In the case of a dispute between the Council President and the Town Manager, the written complaint must be filed with the Vice President of the Town Council for a hearing before the full Town Council at Step 3.

Step 2: Personnel and Town Organization Committee

Upon receipt of a complaint or appeal, the Chair of Personnel and Town Organization Committee must schedule a hearing on the dispute within fifteen (15) days (or by the date of the next regularly scheduled full Town Council meeting, whichever is later). The hearing will be held in Executive Session unless the employee requests an open session in writing. After hearing the dispute, the Committee will meet in Executive Session to make their decision on the matter by simple majority. The Chair of Personnel and Town Organization Committee must then issue the Committee's decision within seven (7) days. If either party disagrees with the Personnel and Town Organization Committee's decision, they may appeal the ruling in writing within seven (7) days. If the decision is not appealed within seven (7) days, the decision is considered final. Appeals must be

filed in writing with the Council President (or Vice President if the Council President is a party to the dispute).

Step 3: Full Town Council

Upon receipt of a complaint or appeal, the Council President (or Vice President if the Council President is a party to the dispute) must schedule a hearing on the dispute before the full Town Council within fifteen (15) days (or at the next regularly scheduled full Town Council meeting, whichever is later). The hearing will be held in Executive Session unless the employee requests an open session in writing. After hearing the dispute, the Council will meet in Executive Session to make a decision on the dispute by simple majority. The Council President (or Vice President if the Council President is a party to the dispute) must then issue the Town Council's decision on the matter within seven (7) days. The decision of the full Town Council shall be final.

Rule 20.1 The Council may, by a majority vote, approve a motion of reprimand with respect to a member who violates the Rules of the Council or the Town Charter. All proceedings and actions related to this motion shall be conducted in executive session and shall comply with provisions of the Massachusetts Open Meeting Law, including but not limited to the provision of written notice to the subject member at least forty-eight (48) hours prior to consideration of such action by the Council. The subject member may request that the matter be considered in an open meeting, may have counsel or a representative present to advise the subject member but not to participate in the meeting, and may speak on his/her own behalf.